

# **JOURNAL OF THE HOUSE**

## **EIGHTY-EIGHTH SESSION**

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SIXTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, January 16, 2013

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Rolly Kemink, followed by the Pledge of Allegiance led by House page James Huntley.

Roll Call: All members present except Rep. Peterson who was excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the fifth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Brian G. Gosch, Chair

Which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1053 and returns the same with the recommendation that said bill do pass.

Respectfully submitted,  
David Lust, Chair

Also MR. SPEAKER:

The Committee on Judiciary respectfully reports that it has had under consideration HB 1021, 1031, and 1032 and returns the same with the recommendation that said bills do pass.

Respectfully submitted,  
Brian G. Gosch, Chair

Also MR. SPEAKER:

The Committee on Retirement Laws respectfully reports that it has had under consideration HB 1024 and 1025 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Retirement Laws respectfully reports that it has had under consideration HB 1026 and 1027 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Respectfully submitted,  
Manny Steele, Chair

**MESSAGES FROM THE SENATE**

MR. SPEAKER:

I have the honor to transmit herewith SB 13, 33, and 34 which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,  
Jeannette Schipper, Secretary

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Rep. Lust moved that the reports of the Standing Committee on  
 3 Agriculture and Natural Resources on HB 1006 as found on page 72 of the House Journal;  
 4 also  
 5 Agriculture and Natural Resources on HB 1001 as found on page 73 of the House Journal  
 6 be adopted.  
 7 Which motion prevailed.

8 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

9 HB 1067 Introduced by: Representatives Nelson, Bartling, Bolin, Campbell, Feickert,  
 10 Feinstein, Gibson, Greenfield, Haggart (Jenna), Hansen, Hawks, Hawley, Hickey, Hunhoff  
 11 (Bernie), Kaiser, Killer, Kirschman, Kopp, Magstadt, May, Miller, Olson (Betty), Parsley,  
 12 Peterson, Qualm, Rasmussen, Ring, Rozum, Russell, Schaefer, Schoenfish, Soli, Solum, Stalzer,  
 13 Steele, Tulson, Tyler, Verchio, Wick, and Wismer and Senators Van Gerpen, Adelstein,  
 14 Begalka, Bradford, Brown, Buhl, Ewing, Frerichs, Holien, Jensen, Jones, Lederman, Lucas,  
 15 Maher, Monroe, Novstrup (Al), Omdahl, Otten (Ernie), Rhoden, and Sutton

16 FOR AN ACT ENTITLED, An Act to designate POW/MIA Recognition Day as a working  
 17 holiday.

18 Was read the first time and referred to the Committee on State Affairs.

19 HB 1068 Introduced by: Representatives Westra, Heinert, Hunhoff (Bernie), Magstadt,  
 20 Olson (Betty), and Verchio and Senators Soholt, Frerichs, Holien, and Tieszen

21 FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to the deferral of  
 22 action by municipalities on committee reports.

23 Was read the first time and referred to the Committee on Local Government.

24 HB 1069 Introduced by: Representatives Rounds, Conzet, Cronin, Kirschman, and Solum  
 25 and Senators Lederman, Begalka, Buhl, and Maher

26 FOR AN ACT ENTITLED, An Act to increase the administrative assessment fee for the  
 27 guarantee fund.

28 Was read the first time and referred to the Committee on Local Government.

1 HB 1070 Introduced by: The Committee on Judiciary at the request of the Chief Justice

2 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the failure to  
3 fulfill the responsibilities of jury duty.

4 Was read the first time and referred to the Committee on Judiciary.

5 HB 1071 Introduced by: The Committee on Judiciary at the request of the Chief Justice

6 FOR AN ACT ENTITLED, An Act to revise the contents of the application for the  
7 discharge of a civil judgment debt discharged in bankruptcy.

8 Was read the first time and referred to the Committee on Judiciary.

9 HB 1072 Introduced by: The Committee on Judiciary at the request of the Chief Justice

10 FOR AN ACT ENTITLED, An Act to repeal certain provisions providing a criminal  
11 penalty for a political party to endorse or nominate a judicial candidate.

12 Was read the first time and referred to the Committee on Judiciary.

13 HB 1073 Introduced by: The Committee on Judiciary at the request of the Chief Justice

14 FOR AN ACT ENTITLED, An Act to establish a procedure for the determination of the  
15 competency of a juvenile to proceed in a juvenile court matter.

16 Was read the first time and referred to the Committee on Judiciary.

17 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

18 SB 13: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the  
19 administration of mineral rights on and under research parks.

20 Was read the first time and referred to the Committee on State Affairs.

21 SB 33: FOR AN ACT ENTITLED, An Act to authorize the use of an online reverse  
22 auction for the procurement of certain goods and services by governmental agencies.

23 Was read the first time and referred to the Committee on State Affairs.

SB 34: FOR AN ACT ENTITLED, An Act to provide for the sale of the state's interests in certain real estate and improvements located at the Human Services Center campus.

Was read the first time and referred to the Committee on State Affairs.

## SECOND READING OF CONSENT CALENDAR ITEMS

Rep. Feinstein requested that HB 1023 be removed from the Consent Calendar.

Which request was granted.

HB 1022: FOR AN ACT ENTITLED, An Act to repeal certain outdated programs relating to the Department of Human Services.

Was read the second time.

The question being "Shall HB 1022 pass?"

And the roll being called:

Yeas 69, Nays 0, Excused 1, Absent 0

Yeas:

Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Excused:

Peterson

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

HB 1044: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the practice of optometry.

Was read the second time.

1 The question being "Shall HB 1044 pass?"

2 And the roll being called:

3 Yeas 69, Nays 0, Excused 1, Absent 0

4 Yeas:

5 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
6 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
7 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
8 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
9 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
10 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
11 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
12 Wick; Wink; Wismer; Speaker Gosch

13 Excused:

14 Peterson

15 So the bill having received an affirmative vote of a majority of the members-elect, the  
16 Speaker declared the bill passed and the title was agreed to.

17 HB 1058: FOR AN ACT ENTITLED, An Act to repeal and revise certain statutes related  
18 to the Animal Industry Board.

19 Was read the second time.

20 The question being "Shall HB 1058 pass?"

21 And the roll being called:

22 Yeas 69, Nays 0, Excused 1, Absent 0

23 Yeas:

24 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
25 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
26 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
27 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
28 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
29 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
30 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
31 Wick; Wink; Wismer; Speaker Gosch

32 Excused:

33 Peterson

1        So the bill having received an affirmative vote of a majority of the members-elect, the  
2        Speaker declared the bill passed and the title was agreed to.

3                    **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

4        Rep. Cronin moved that HB 1012 be deferred to Thursday, January 17, the 7<sup>th</sup> legislative  
5        day.

6        Which motion prevailed.

7        HB 1040: FOR AN ACT ENTITLED, An Act to authorize the Department of Revenue to  
8        provide lists of licensed boat dealers.

9        Was read the second time.

10       The question being "Shall HB 1040 pass?"

11       And the roll being called:

12       Yeas 69, Nays 0, Excused 1, Absent 0

13       Yeas:

14       Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
15       Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
16       Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
17       (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
18       Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
19       Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
20       Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
21       Wick; Wink; Wismer; Speaker Gosch

22       Excused:

23       Peterson

24       So the bill having received an affirmative vote of a majority of the members-elect, the  
25       Speaker declared the bill passed and the title was agreed to.

26       HB 1041: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
27       purchase price of rebuilt motor vehicles and to create a motor vehicle excise tax exemption for  
28       sales tax paid on parts used in rebuilt motor vehicles and vehicles manufactured by individuals.

29       Was read the second time.

1 The question being "Shall HB 1041 pass?"

2 And the roll being called:

3 Yeas 69, Nays 0, Excused 1, Absent 0

4 Yeas:

5 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
6 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
7 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
8 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
9 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
10 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
11 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
12 Wick; Wink; Wismer; Speaker Gosch

13 Excused:

14 Peterson

15 So the bill having received an affirmative vote of a majority of the members-elect, the  
16 Speaker declared the bill passed and the title was agreed to.

17 HB 1042: FOR AN ACT ENTITLED, An Act to authorize manufactured home dealers to  
18 submit license fees directly to the Department of Revenue and to provide an electronic renewal  
19 notice to certain dealers.

20 Was read the second time.

21 The question being "Shall HB 1042 pass?"

22 And the roll being called:

23 Yeas 69, Nays 0, Excused 1, Absent 0

24 Yeas:

25 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
26 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
27 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
28 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
29 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
30 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
31 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
32 Wick; Wink; Wismer; Speaker Gosch

33 Excused:

34 Peterson



1           So the bill having received an affirmative vote of a majority of the members-elect, the  
2 Speaker declared the bill passed and the title was agreed to.

3           HB 1043: FOR AN ACT ENTITLED, An Act to authorize the Department of Revenue to  
4 establish an electronic title system for motor vehicles and to revise certain provisions regarding  
5 an electronic lien filing system.

6           Was read the second time.

7           The question being "Shall HB 1043 pass?"

8           And the roll being called:

9           Yeas 69, Nays 0, Excused 1, Absent 0

10          Yeas:

11 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
12 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
13 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
14 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
15 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
16 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
17 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
18 Wick; Wink; Wismer; Speaker Gosch

19          Excused:

20 Peterson

21           So the bill having received an affirmative vote of a majority of the members-elect, the  
22 Speaker declared the bill passed and the title was agreed to.

23           Rep. Steele moved that the House do now adjourn, which motion prevailed and at  
24 2:25 p.m. the House adjourned.

25  
Arlene Kvislen, Chief Clerk